

EXHIBIT 2

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON, et al.

NO. 2:18-cv-01115-RSL

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, et al.,

Defendants.

**PRIVATE DEFENDANTS
ANSWERS TO PLAINTIFFS'
FIRST SET OF
INTERROGATORIES AND
RESPONSES TO REQUESTS
FOR PRODUCTION**

TO: Plaintiffs State of Washington, et al., by and through their attorneys of record, Jeffrey Rupert, Kristin Beneski, Todd Bowers, Jeff Sprung and Zachary P. Jones, Attorney General Office

Defendants Defense Distributed, Second Amendment Foundation, Inc., and Conn Williamson (the "Private Defendants") hereby serve their answers to Plaintiffs' First Set of Interrogatories and responses to Request for Production.

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ANSWERS

I. Interrogatory Number 1.

Interrogatory No. 1 provides as follows: “Identify all persons who are officers, directors, shareholders, founders, members, employees, or agents of Defense Distributed, or who are otherwise affiliated with or who have authority to act on behalf of Defense Distributed.”

A. The Private Defendants object to this interrogatory because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

B. The Private Defendants object to this interrogatory because it is not proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the interrogatory seeks information that is duplicative of what the administrative record identifies and, to the extent that it is not duplicative, disproportionately unimportant in comparison to what the administrative record identifies.

C. The Private Defendants object to this interrogatory because it is overly broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if the identity of *some* persons affiliated with Defense Distributed were relevant to a party’s claim or defense, the interrogatory demands identification if “all persons. . . affiliated with . . . or who have authority to act on behalf of Defense Distributed” without any limitations

1 regarding subject matter, place, or time.

2 D. Defendants Second Amendment Foundation, Inc., and Conn Williamson
3 object to this interrogatory because it is not proportional to the needs of the case
4 considering the parties' relative access to relevant information. The obligation to respond
5 to this interrogatory, if any, should be limited to Defense Distributed.
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7 **II. Interrogatory Number 2.**

8 Interrogatory Number 2 provides as follows: "State whether you posted any Subject
9 Files online, or otherwise made them publicly available via the internet, on or after July
10 31, 2018. If you did, identify the URL(s), the exact date and time of any such posting, and
11 the individual(s) responsible for or involved in any such posting, and describe in detail the
12 actions of each such individual in connection with each such posting."
13

14 A. The Private Defendants object to this interrogatory because it is not "relevant
15 to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). This action does not involve
16 any claim against the Private Defendants; it involves only Administrative Procedure Act
17 claims against the Federal Government that depend solely upon an administrative record.
18 See 5 U.S.C. § 706. The Court's preliminary injunction does not address the Private
19 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.
20

21 B. The Private Defendants object to this request because it made for an
22 improper purpose.
23

24 C. The Private Defendants object to this request because it is made to cause
25 annoyance, oppression, and to harass the Private Defendants.
26

1 **III. Interrogatory Number 3.**

2 Interrogatory Number 3 provides as follows: “State whether you assisted or
3 facilitated any other person in posting any Subject Files online, or otherwise making them
4 publicly available via the internet, on or after July 31, 2018. If you did, identify the
5 URL(s), the exact date and time of any such posting, and the individual(s) responsible for
6 or involved in any such posting, and describe in detail the actions of each such individual
7 in connection with each such posting.”

8
9 A. The Private Defendants object to this interrogatory because it is not “relevant
10 to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve
11 any claim against the Private Defendants; it involves only Administrative Procedure Act
12 claims against the Federal Government that depend solely upon an administrative record.
13 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private
14 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

15
16 B. The Private Defendants object to this request because it made for an
17 improper purpose.

18
19 C. The Private Defendants object to this request because it is made to cause
20 annoyance, oppression, and to harass the Private Defendants.

21
22 **IV. Interrogatory Number 4.**

23 Interrogatory Number 4 provides as follows: “State the total number of persons to
24 whom you sold or distributed any Subject Files via mail or courier, email, secure
25 download, or any other method, on or after July 31, 2018, or as to whom you participated
26 in or facilitated such sale or distribution of any Subject Files.”

1 A. The Private Defendants object to this interrogatory because it is not “relevant
2 to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve
3 any claim against the Private Defendants; it involves only Administrative Procedure Act
4 claims against the Federal Government that depend solely upon an administrative record.
5 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private
6 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

8 B. The Private Defendants object to this interrogatory because it is not
9 proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so
10 because the request seeks information that is disproportionately unimportant in
11 comparison to what the administrative record supplies.

13 C. The Private Defendants object to this interrogatory because it is overly broad
14 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if
15 the Private Defendants’ conduct is relevant, the action’s claims and Court’s preliminary
16 injunction pertain only to publication via Defense Distributed’s internet website—not the
17 methods identified in this interrogatory.

19 D. The Private Defendants object to this interrogatory because it is not
20 proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). Even if the fact
21 of such sales or distributions were relevant, the number or persons at issue is not.

23 E. Defendants Second Amendment Foundation, Inc., and Conn Williamson
24 object to this interrogatory because it is not proportional to the needs of the case
25 considering the parties’ relative access to relevant information. The obligation to respond
26 to this interrogatory, if any, should be limited to Defense Distributed.

1 F. The Private Defendants object to this request because it made for an
2 improper purpose.

3 G. The Private Defendants object to this request because it is made to cause
4 annoyance, oppression, and to harass the Private Defendants.
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6 **V. Interrogatory Number 5.**

7 Interrogatory Number 5 provides as follows: “Describe in detail any method(s) by
8 which you have sold or distributed any Subject Files to any person on or after July 31,
9 2018, and any method(s) by which you have participated in or facilitated such sale or
10 distribution of any Subject Files.”
11

12 A. The Private Defendants object to this interrogatory because it is not “relevant
13 to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve
14 any claim against the Private Defendants; it involves only Administrative Procedure Act
15 claims against the Federal Government that depend solely upon an administrative record.
16 *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private
17 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.
18

19 B. The Private Defendants object to this interrogatory because it is not “relevant
20 to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This is so because the action’s
21 claims and Court’s preliminary injunction pertain only to publication via Defense
22 Distributed’s internet website—not the other activities at issue in this request.
23

24 C. The Private Defendants object to this interrogatory because it is not
25 proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so
26 because, even if the fact of a sale or distribution were relevant, the “detail[s]” of any sale
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1 or distribution are disproportionately unimportant.

2 D. Defendants Second Amendment Foundation, Inc., and Conn Williamson
3 object to this interrogatory because it is not proportional to the needs of the case
4 considering the parties' relative access to relevant information. The obligation to respond
5 to this interrogatory, if any, should be limited to Defense Distributed.
6

7 E. The Private Defendants object to this request because it made for an
8 improper purpose.
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10 F. The Private Defendants object to this request because it is made to cause
11 annoyance, oppression, and to harass the Private Defendants.

12 **VI. Interrogatory Number 6.**

13 Interrogatory Number 6 provides as follows: "As to the persons referenced in
14 Interrogatory No. 4 to whom Subject Files were sold or distributed, describe in detail any
15 and all steps you took, if any, to determine the following: (1) whether such persons are
16 U.S. citizens or lawful permanent residents; (2) whether such persons are located within
17 the United States (and if so, in which states); and (3) whether such persons are eligible to
18 possess a firearm in any relevant jurisdiction(s)."
19

20
21 A. The Private Defendants object to this interrogatory for the reasons stated in
22 the Private Defendants objections to Interrogatory No. 4.

23 B. The Private Defendants object to this interrogatory because it is not "relevant
24 to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). Even if the fact of such a sale
25 or distribution were relevant, the determinations inquired about by this interrogatory are
26 not.
27

1 C. The Private Defendants object to this request because it made for an
2 improper purpose.

3 D. The Private Defendants object to this request because it is made to cause
4 annoyance, oppression, and to harass the Private Defendants.

5 E. The Private Defendants object to this request to the extent it seeks personally
6 identifiable information (“PII”) on customers due to privacy concerns, which may include,
7 for example, laws that prohibit providing a customer’s PII without a court order or the
8 customer’s written consent.
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11 **VII. Interrogatory Number 7.**

12 Interrogatory Number 7 provides as follows: “List any and all crimes with which
13 Defense Distributed, Cody Wilson, or any person in active concert or participation with
14 either of them has been charged or convicted within the last ten years and describe the
15 outcome of each charge or conviction.”
16

17 A. The Private Defendants object to this interrogatory because it is not “relevant
18 to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve
19 any claim against the Private Defendants; it involves only Administrative Procedure Act
20 claims against the Federal Government that depend solely upon an administrative record.
21 See 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private
22 Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.
23

24 B. The Private Defendants object to this interrogatory because it is not
25 proportional to the needs of the case. See Fed. R. Civ. P. 26(b)(1), (b)(2). This is so
26 because the interrogatory seeks information that is duplicative of what the administrative
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1 record identifies and, to the extent that it is not duplicative, disproportionately unimportant
2 in comparison to what the administrative record identifies.

3 C. The Private Defendants object to this interrogatory because it is overly broad
4 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory
5 pertains to “any and all crimes” without limitations regarding subject matter.
6

7 D. The Private Defendants object to this interrogatory because it is overly broad
8 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory
9 pertains to “any person in active concert or participation with” Defense Distributed and
10 Cody Wilson without any limitations regarding subject matter, place, or time.
11

12 E. The Private Defendants object to this interrogatory because it is overly broad
13 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory
14 pertains to both charges and convictions; but even if convictions are relevant, charges are
15 not.
16

17 F. The Private Defendants object to this request because it made for an
18 improper purpose.
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20 G. The Private Defendants object to this request because it is made to cause
21 annoyance, oppression, and to harass the Private Defendants.

22 **VIII. Interrogatory Number 8.**

23 Interrogatory Number 8 provides as follows: “For the period of July 31, 2018 to the
24 present, list (by city and country) all destinations outside the United States to which Cody
25 Wilson has traveled or to which he currently plans to travel, and as to each destination,
26 provide the dates of Mr. Wilson’s actual or planned departure from and return to the United
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1 States.”

2
3 A. The Private Defendants object to this interrogatory because it is not “relevant
4 to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve
5 any claim against the Private Defendants or Cody Wilson; it involves only Administrative
6 Procedure Act claims against the Federal Government that depend solely upon an
7 administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not
8 address the Private Defendants or Cody Wilson; it addresses only the Federal Defendants.
9
10 Dkt. 95 at 25.

11
12 B. The Private Defendants object to this interrogatory because it is not “relevant
13 to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Even if some aspect of the
14 Private Defendants’ conduct is relevant, Cody Wilson’s travel is not.

15
16 C. The Private Defendants object to this interrogatory because it is overly broad
17 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request
18 pertains to all travel without any limitations regarding the travel’s nature.

19
20 D. The Private Defendants object to this interrogatory because it is not
21 proportional to the needs of the case considering the parties’ relative access to relevant
22 information. The obligation to respond to this interrogatory, if any, should be limited to
23 Defense Distributed.

24
25 E. The Private Defendants object to this request because it made for an
26 improper purpose.

27 F. The Private Defendants object to this request because it is made to cause

annoyance, oppression, and to harass the Private Defendants.

IX. Interrogatory Number 9

Interrogatory Number 9 provides as follows: “Identify all persons or entities who participated in the planning, funding, production, editing, or distribution of the video previously located at the following hyperlink: <https://www.youtube.com/watch?v=5BqIXlkSoA&feature=outu.be>. For each person or organization involved in the planning, funding, production, editing, or distribution of the video, state the exact nature of the person or entity’s involvement.”

A. The Private Defendants object to this interrogatory because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

B. The Private Defendants object to this interrogatory because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Even if some aspect of the Private Defendants’ conduct is relevant, the video at issue here is not.

C. The Private Defendants object to this interrogatory because it is overly broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). Even if some aspect of the video’s publication is relevant, the “exact nature” of its “planning, funding, production, editing, or distribution” is not.

D. Defendants Second Amendment Foundation, Inc., and Conn Williamson

1 object to this interrogatory because it is not proportional to the needs of the case
2 considering the parties' relative access to relevant information. The obligation to respond
3 to this interrogatory, if any, should be limited to Defense Distributed.

4
5 E. The Private Defendants object to this request because it made for an
6 improper purpose.

7 F. The Private Defendants object to this request because it is made to cause
8 annoyance, oppression, and to harass the Private Defendants.

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10 **RESPONSES TO REQUESTS FOR PRODUCTION**

11 **GENERAL OBJECTIONS**

12 The Court should issue a Rule 12 judgment on the pleadings dismissing the Private
13 Defendants from this action, Dkt. 114, in which case the Private Defendants would not be
14 subject to interrogatories, requests for production, and other discovery devices that apply
15 to a party. *See* Fed. R. Civ. P. 26. Hence, the Private Defendants submit that they should
16 not be required to comply with any requests for production unless and until the Court
17 resolves their Rule 12 motion. *See* Dkt. 114.

18
19 The Private Defendants object to the Instructions and Definitions provided with the
20 requests to the extent they seek to impose burdens greater than those imposed by the
21 Federal Rules of Civil Procedure.

22
23 The Private Defendants object to the Instructions provided with the requests to the
24 extent they seek the creation of documents not in existence or in the Private Defendants'
25 possession.

26
27 The Private Defendants object to the Definitions provided with the requests to the

1 extent they impose definitions of terms outside commonly understood meanings.

2 The Private Defendants object to the requests to the extent they seek the content of
3 privileged attorney-client communications and/or confidential work product. The Private
4 Defendants will produce a privilege log if compelled to produce documents and remain in
5 the case.
6

7 These general objections are applicable to, and included in, the Private Defendants'
8 responses set forth below.
9

10 **RESPONSES**

11 **I. Request for Production Number 1.**

12 Request for Production Number 1 provides as follows: "Produce all documents and
13 communications concerning or relating to any party or non-party's posting of any Subject
14 Files online, or otherwise making any Subject Files publicly available via the internet, on
15 or after July 31, 2018." Responsive materials are being withheld on the basis of the
16 following objections.
17

18 A. The Private Defendants object to this request because it is not "relevant to
19 any party's claim or defense." Fed. R. Civ. P. 26(b)(1). This action does not involve any
20 claim against the Private Defendants; it involves only Administrative Procedure Act claims
21 against the Federal Government that depend solely upon an administrative record. *See* 5
22 U.S.C. § 706. The Court's preliminary injunction does not address the Private Defendants
23 or non-parties; it addresses only the Federal Defendants. Dkt. 95 at 25.
24

25 B. The Private Defendants object to this request because it is not proportional
26 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
27

1 seeks information that is disproportionately unimportant in comparison to what the
2 administrative record supplies.

3
4 C. The Private Defendants object to this request because it is overly broad and
5 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains
6 to *non-party* actions without regard to the Private Defendants' relationship thereto.
7

8 D. The Private Defendants object to this request because it is overly broad and
9 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains
10 "all documents and communications concerning or relating to" the activities at issue
11 regardless of the *nature* of the Private Defendants' relationship to the activity.
12

13 E. The Private Defendants object to this request because it made for an
14 improper purpose.
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16 F. The Private Defendants object to this request because it is made to cause
17 annoyance, oppression, and to harass the Private Defendants.
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19 **II. Request for Production Number 2.**

20 Request for Production Number 2 provides as follows: "Produce all documents and
21 communications concerning or relating to any party or non-party's sale or distribution of
22 any Subject Files to any persons via mail or courier, email, secure download, or any other
23 method, on or after July 31, 2018." Responsive materials are being withheld on the basis
24 of the following objections.
25

26 A. The Private Defendants object to this request because it is not "relevant to
27 any party's claim or defense." Fed. R. Civ. P. 26(b)(1). This action does not involve any
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1 claim against the Private Defendants; it involves only Administrative Procedure Act claims
2 against the Federal Government that depend solely upon an administrative record. *See* 5
3 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants
4 or any non-parties; it addresses only the Federal Defendants. Dkt. 95 at 25.

6 B. The Private Defendants object to this request because it is not “relevant to
7 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This is so because the action’s
8 claims and Court’s preliminary injunction pertain only to publication via Defense
9 Distributed’s internet website—not the other activities at issue in this request.

11 C. The Private Defendants object to this request because it is not proportional
12 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
13 seeks information that is disproportionately unimportant in comparison to what the
14 administrative record supplies.

16 D. The Private Defendants object to this request because it is overly broad and
17 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains
18 to *non-party* actions without regard to the Private Defendants’ relationship thereto.

20 E. The Private Defendants object to this request because it is overly broad and
21 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains
22 “all documents and communications concerning or relating to” the activities at issue
23 regardless of the *nature* of the Private Defendants’ relationship to the activity.

25 F. The Private Defendants object to this request because it made for an
26 improper purpose.

27 G. The Private Defendants object to this request because it is made to cause

annoyance, oppression, and to harass the Private Defendants.

H. The Private Defendants object to this request to the extent it seeks personally identifiable information (“PII”) on customers due to privacy concerns, which may include, for example, laws that prohibit providing a customer’s PII without a court order or the customer’s written consent.

III. Request for Production Number 3.

Request for Production Number 3 provides as follows: “Produce all documents reflecting any information related to any of the persons described in Interrogatory No. 4 to whom Subject Files were sold or distributed, including but not limited to any such person’s: (i) name; (ii) address; (iii) physical location; (iv) age; (v) U.S. citizen or permanent resident status; (iv) eligibility to possess a firearm in any relevant jurisdiction(s); (v) the state and/or local sales tax that you collected related to any sale; and (vi) the amount of state and/or local sales tax that you remitted to each jurisdiction related to any sale.” Responsive materials are being withheld on the basis of the following objections.

A. The Private Defendants object to this request because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

B. The Private Defendants object to this request because it is not proportional

1 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
2 seeks information that is disproportionately unimportant in comparison to what the
3 administrative record supplies.

4
5 C. The Private Defendants object to this request because it is overly broad and
6 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if the
7 Private Defendants' conduct is relevant, the action's claims and Court's preliminary
8 injunction pertain only to publication via Defense Distributed's internet website—not the
9 methods identified in this interrogatory.

10
11 D. The Private Defendants object to this interrogatory because it is not "relevant
12 to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). Even if the fact of such a sale
13 or distribution were relevant, the details requested here are not.

14
15 E. The Private Defendants object to this request because it is overly broad and
16 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request seeks to
17 compel disclosure of private, confidential, and personal information of a non-party that is
18 not relevant to any claim in the case.

19
20 F. Defendants Second Amendment Foundation, Inc., and Conn Williamson
21 object to this interrogatory because it is not proportional to the needs of the case
22 considering the parties' relative access to relevant information. The obligation to respond
23 to this interrogatory, if any, should be limited to Defense Distributed.

24
25 G. The Private Defendants object to this request because it made for an
26 improper purpose.

27 H. The Private Defendants object to this request because it is made to cause

annoyance, oppression, and to harass the Private Defendants.

I. The Private Defendants object to this request to the extent it seeks personally identifiable information (“PII”) on customers due to privacy concerns, which may include, for example, laws that prohibit providing a customer’s PII without a court order or the customer’s written consent.

IV. Request for Production Number 4.

Request for Production Number 4 provides as follows: “Produce all documents and communications concerning or relating to the proposed, planned, or actual sale or distribution of Subject Files on or after July 31, 2018, including but not limited to all versions of: (i) the video identified in Interrogatory No. 9; (ii) any other videos posted on YouTube, other websites, or elsewhere, or any videos that you produced or published on or after July 31, 2018; (iii) any statements published on Twitter or any other social media platform; (iv) any statements published on defcad.com or defdist.org or elsewhere on the internet; and (v) any other published statements or content.” Responsive materials are being withheld on the basis of the following objections.

A. The Private Defendants object to this request because it is not “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

B. The Private Defendants object to this request because it is not proportional

1 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
2 seeks information that is either duplicative of what the administrative record identifies or,
3 to the extent that it is not duplicative, disproportionately unimportant in comparison to
4 what the administrative record includes.

5
6 C. The Private Defendants object to this interrogatory because it is overly broad
7 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if
8 the Private Defendants' conduct is relevant, the action's claims and Court's preliminary
9 injunction pertain only to publication via Defense Distributed's internet website—not the
10 other methods identified in this request.

11
12 D. The Private Defendants object to this interrogatory because it is overly broad
13 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if
14 actual sales and distributions are relevant, mere proposals and plans are not.

15
16 E. The Private Defendants object to this request because it is overly broad and
17 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
18 pertains to *non-party* actions without regard to the Private Defendants' relationship
19 thereto.

20
21 F. The Private Defendants object to this request because it is overly broad and
22 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains
23 “all documents and communications concerning or relating to” the activities at issue
24 regardless of the *nature* of the Private Defendants' relationship to the activity.

25
26 G. The Private Defendants object to this request because it made for an
27 improper purpose.

1 H. The Private Defendants object to this request because it is made to cause
2 annoyance, oppression, and to harass the Private Defendants.

3 I. The Private Defendants object to this request to the extent it seeks personally
4 identifiable information (“PII”) on customers due to privacy concerns, which may include,
5 for example, laws that prohibit providing a customer’s PII without a court order or the
6 customer’s written consent.
7

8 **V. Request for Production Number 5.**

9 Request for Production Number 5 provides as follows: “Produce all of your
10 communications concerning or relating to the distribution or sale of any Subject Files on
11 or after July 31, 2018, including internal communications, communications among the
12 Private Defendants, communications with any other defendants, and communications with
13 any third parties.” Responsive materials are being withheld on the basis of the following
14 objections.
15

16 A. The Private Defendants object to this request because it is not “relevant to
17 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any
18 claim against the Private Defendants; it involves only Administrative Procedure Act claims
19 against the Federal Government that depend solely upon an administrative record. *See* 5
20 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants;
21 it addresses only the Federal Defendants. Dkt. 95 at 25.
22

23 B. The Private Defendants object to this request because it is not proportional
24 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
25 seeks information that is either duplicative of what the administrative record identifies or,
26
27

1 to the extent that it is not duplicative, disproportionately unimportant in comparison to
2 what the administrative record includes.

3 C. The Private Defendants object to this interrogatory because it is overly broad
4 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if
5 the Private Defendants' conduct is relevant, the action's claims and Court's preliminary
6 injunction pertain only to publication via Defense Distributed's internet website—not the
7 other methods of sale and distribution identified in this request.
8

9 D. The Private Defendants object to this interrogatory because it is overly broad
10 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if
11 actual sales and distributions are relevant, mere proposals and plans are not.
12

13 E. The Private Defendants object to this request because it is overly broad and
14 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
15 pertains to *non-party* actions without regard to the Private Defendants' relationship
16 thereto.
17

18 F. The Private Defendants object to this request because it is overly broad and
19 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains
20 "all documents and communications concerning or relating to" the activities at issue
21 regardless of the *nature* of the Private Defendants' relationship to the activity.
22

23 G. The Private Defendants object to this request because it made for an
24 improper purpose.
25

26 H. The Private Defendants object to this request because it is made to cause
27 annoyance, oppression, and to harass the Private Defendants.

1 I. The Private Defendants object to this request to the extent it seeks personally
2 identifiable information (“PII”) on customers due to privacy concerns, which may include,
3 for example, laws that prohibit providing a customer’s PII without a court order or the
4 customer’s written consent.
5

6 **VI. Request for Production Number 6.**

7 Request for Production Number 6 provides as follows: “To the extent not produced
8 in response to any of the Requests for Production above, for the period of July 30, 2018 to
9 the present, produce all documents concerning or relating to the proposed, planned, or
10 actual posting, distribution, or sale of any Subject Files.” Responsive materials are
11 being withheld on the basis of the following objections.
12

13 A. The Private Defendants object to this request because it is not “relevant to
14 any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). This action does not involve any
15 claim against the Private Defendants; it involves only Administrative Procedure Act claims
16 against the Federal Government that depend solely upon an administrative record. *See* 5
17 U.S.C. § 706. The Court’s preliminary injunction does not address the Private Defendants;
18 it addresses only the Federal Defendants. Dkt. 95 at 25.
19
20

21 B. The Private Defendants object to this request because it is not proportional
22 to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
23 seeks information that is either duplicative of what the administrative record identifies or,
24 to the extent that it is not duplicative, disproportionately unimportant in comparison to
25 what the administrative record includes.
26

27 C. The Private Defendants object to this interrogatory because it is overly broad
28

1 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if
2 the Private Defendants’ conduct is relevant, the action’s claims and Court’s preliminary
3 injunction pertain only to publication via Defense Distributed’s internet website—not the
4 other methods of posting, sale, and distribution identified in this request.
5

6 D. The Private Defendants object to this interrogatory because it is overly broad
7 and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because, even if
8 actual postings, sales, and distributions are relevant, mere proposals and plans are not.
9

10 E. The Private Defendants object to this request because it is overly broad and
11 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the request
12 pertains to *non-party* actions without regard to the Private Defendants’ relationship
13 thereto.
14

15 F. The Private Defendants object to this request because it is overly broad and
16 unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the request pertains
17 “all documents and communications concerning or relating to” the activities at issue
18 regardless of the *nature* of the Private Defendants’ relationship to the activity.
19

20 G. The Private Defendants object to this request because it made for an
21 improper purpose.

22 H. The Private Defendants object to this request because it is made to cause
23 annoyance, oppression, and to harass the Private Defendants.
24

25 I. The Private Defendants object to this request to the extent it seeks personally
26 identifiable information (“PII”) on customers due to privacy concerns, which may include,
27 for example, laws that prohibit providing a customer’s PII without a court order or the
28

customer's written consent.

VII. Request for Production Number 7.

Request for Production Number 7 provides as follows: "Produce all documents concerning or relating to any criminal charges or convictions as referenced in Interrogatory No. 7." Responsive materials are being withheld on the basis of the following objections.

A. The Private Defendants object to this request because it is not "relevant to any party's claim or defense." Fed. R. Civ. P. 26(b)(1). This action does not involve any claim against the Private Defendants; it involves only Administrative Procedure Act claims against the Federal Government that depend solely upon an administrative record. *See* 5 U.S.C. § 706. The Court's preliminary injunction does not address the Private Defendants; it addresses only the Federal Defendants. Dkt. 95 at 25.

B. The Private Defendants object to this request because it is not proportional to the needs of the case. *See* Fed. R. Civ. P. 26(b)(1), (b)(2). This is so because the interrogatory seeks information that is duplicative of what the administrative record identifies and, to the extent that it is not duplicative, disproportionately unimportant in comparison to what the administrative record identifies.

C. The Private Defendants object to this request because it is overly broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory pertains to "any and all crimes" without limitations regarding subject matter.

D. The Private Defendants object to this request because it is overly broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory pertains to "any person in active concert or participation with" Defense Distributed and

Cody Wilson without any limitations regarding subject matter, place, or time.

E. The Private Defendants object to this request because it is overly broad and unduly burdensome. *See* Fed. R. Civ. P. 26(b)(2). This is so because the interrogatory pertains to both charges and convictions; but even if convictions are relevant, charges are not.

F. The Private Defendants object to this request because it made for an improper purpose.

G. The Private Defendants object to this request because it is made to cause annoyance, oppression, and to harass the Private Defendants.

DATED this 22nd day of October 2018.

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CERTIFICATE OF SERVICE

I certify that on October 22, 2018, I served a copy of this document upon all counsel of record via United States First-Class Mail.

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